

### **REMARKS**

Claims 1-20 were presented for examination and were pending in this application. In the latest Office Action, claims 1-8 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,412,004 to Chen et al.; claims 9-18 and 20 were rejected under 35 U.S.C. § 103 as being unpatentable over Chen, in view of U.S. Patent No. 6,209,787 to Iida; and claim 19 was rejected under 35 U.S.C. § 103 as being unpatentable over Chen, alone. With this amendment, claims 1, 2, 9, 18, and 20 are amended, claims 16, 17, and 19 are canceled, and new claims 21 and 22 are presented. As explained below, all of the claims, as presently amended, are patentable over Chen, Iida, and any combination thereof.

The claims recite the delivery of media data using one or more meta data servers, where a client obtains meta data from a meta data server and uses that meta data to obtain media data from a media data server. As amended, the claims recite limitations in which the media data obtained using the meta data server are not usable without obtaining additional meta data from that (or another) meta data server. For example, in claims 1-8 and 22, the media data are encrypted, and the encryption key is obtainable from a meta data server. In claims 9-15, 18, and 20-21, the meta data provides access to a portion of the requested media data, which can be later assembled into the desired media data after obtaining another portion of the media data.

In the claimed invention, therefore, a client obtains media data using meta data from a meta data server, but the obtained media data are not accessible without additional data also obtainable from a meta data server (e.g., an encryption key or remaining portions of the media data itself). In this way, the claimed invention allows owners or providers of media data to protect and control their media by managing the meta data servers, even where they do not

manage or control the media data servers. This provides an extra layer of protection: Having partial files and/or encrypted media data files distributed throughout the media network helps to protect the media from copyright infringement or any other use by those who do not have explicit rights for the use of the media data. (Specification, p. 13, lines 20-33.)

Neither of the cited references nor their combination disclose or suggest these claimed features. Chen describes a system in which a metaserver manages the delivery of multimedia data streams to a number of clients. Chen is directed to reducing bottlenecks and dealing with network faults, not to protecting media data from unauthorized use. (Chen col. 1, lines 30-37.) For this reason, Chen nowhere discloses or suggests that a meta server be used to access a portion of a media file or an encrypted media file, unusable without additional information obtainable from a meta data server. The examiner apparently agrees.

In the latest Office Action, the examiner admitted that Chen does not disclose requesting an encryption key from the meta data server (Jan. 15, 2003 Office Action, p. 10); therefore, the examiner cited Iida. But Iida also fails to disclose or suggest this limitation. In Iida, a customer selects a number of recordings to be included on a personalized physical recording medium (e.g., a cassette tape or a CD), and then buys the personalized tape or CD from a machine. These recordings are not encrypted or partial recordings. If the recordings were encrypted, the purchased tape or CD would not be playable. Moreover, because Iida does not deliver encrypted media to the customer, Iida does not deliver any sort of encryption key. Iida does briefly mention encryption, but only in the context of the information exchanged between the customer and system during the selection process.<sup>1</sup> Therefore, Iida, like Chen, fails to disclose or suggest

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<sup>1</sup> Iida's only mention of encryption is the sentence: "It might be arranged to secure the security by utilizing the encryption technique when performing the above mentioned processes of registering." (Iida, col. 48, lines 49-51.) In this quote, however, the term "registering" is used in the context of a transaction for selecting the musical

requesting an encryption key from the meta data server, and claims 1-8 and 22 are thus patentable over the cited combination.

With respect to claims 9-15, 18, and 20-21, the cited references do not disclose or suggest that the meta data server provide meta data for different portions of requested media data.<sup>2</sup> In Chen, a client requests a multimedia stream, and a metaserver assigns that client to a single multimedia server that delivers the requested stream. (Chen, col. 6 line 60 to col. 7 line 12; Fig. 3.) Chen's system does not request or transmit meta data for a portion of a media data request, that portion unusable without an additional portion, as well as meta data for an additional portion of that request. Because neither reference discloses or suggests these limitations, claims 9-15, 18, and 20-21 are patentable over Chen, Iida, and any combination thereof.

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compositions to be recorded on the physical recording medium. The recordings themselves are never encrypted. What is encrypted is the transaction information (such as the customer's credit card information), and this is performed invisibly to the customer. Accordingly, the customer never needs to receive an encryption key to play the recordings.

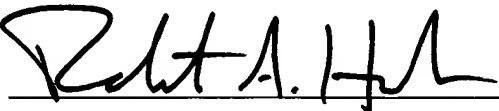
<sup>2</sup> In connection with originally presented claim 16 (now canceled), the examiner stated that Chen discloses the meta data is for a portion of the media data request and additional meta data for another portion of the media data are requested. However, the examiner did not contend that Iida discloses this limitation, and Applicants agree that Iida does not disclose or suggest this limitation.

Based on the foregoing, the application is in condition for allowance of all claims, and an early Notice of Allowance is respectfully requested. If the examiner believes for any reason direct contact would help advance the prosecution of this case to allowance, the examiner is encouraged to telephone the undersigned at the number given below.

Respectfully submitted,

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